

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

V.

CASE NO. 3:16-cv-489-CWR-RHWR

THE HINDS COUNTY BOARD OF  
SUPERVISORS, ET AL

Defendants

**TRANSCRIPT OF STATUS CONFERENCE**  
**VIA VIDEOCONFERENCE**

BEFORE HONORABLE CARLTON W. REEVES  
UNITED STATES DISTRICT JUDGE

June 21, 2022  
Jackson, Mississippi

The proceedings were reported by a stenographic court reporter.  
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ALSO PRESENT:

Ms. Elizabeth Lisa Simpson  
Mr. David Parrish  
Sheriff Tyree Jones

1 (June 21, 2022, 9:05 a.m.)

2 THE COURT: Good morning. Who do I have on for the  
3 government?

4 MR. CHENG: This is Christopher Cheng. I also have  
5 Helen Vera, Laura Cowall, and I believe from the U.S.  
6 Attorney's Office Mitzi Dease Paige is with us as well.

7 THE COURT: And who is on for Hinds County?

8 MR. GAYLOR: Your Honor, for Hinds County, board  
9 attorney Tony Gaylor. We also have from Phelps Dunbar, Nick  
10 Morisani, Jim Shelson, and Loden Walker. And obviously, for  
11 the sheriff's department, we have John Hall, and the sheriff is  
12 on as well. We also have attorney Ray Chambers on the line on  
13 behalf of the county as well.

14 THE COURT: Okay. And I have the monitors here,  
15 Ms. Simpson and Mr. Parrish. Any others?

16 MS. SIMPSON: Myself and Dave Parrish. And I think  
17 Dr. Dudley is planning on joining us, but he's not on yet.

18 THE COURT: We have the court reporter here as well.

19 Again, thank you for making yourselves available on what  
20 appeared to be a pretty short notice. I realize we just sent  
21 out the notice of this meeting I think on Friday, but I  
22 understood that the monitors would be doing their follow-up  
23 interviews from their last site visit this week. And I knew  
24 that that space would be between Tuesday and Friday of this  
25 week, I guess. And I know that when these interviews have

1 occurred, I guess, most recently the lawyers have been at least  
2 present for those interviews. So I figured that if the  
3 monitors had something set for this morning, then somebody for  
4 the parties would be available, so I did not reach out and try  
5 to find a convenient date or time. I figured somebody would be  
6 here, and I predicted correctly.

7 But I wanted to talk with you. Now, I know the monitors  
8 came in the other week because I discussed with the monitors  
9 the progress of their most recent site visit. As the parties  
10 are aware, the court views that its order is still in place,  
11 which requires the monitors to do their monitoring duties and  
12 report to the court. And just like we've done in the past, the  
13 monitor would have the -- has returned to do the site visits, I  
14 guess, and then have the interviews. And I think typically the  
15 interviews would occur before they left, and then we would have  
16 a follow-up status conference at or near the time -- well, in  
17 the past it's been right on the heels of them wrapping up their  
18 interviews. And I think the monitor was there on-site, I do  
19 believe, the week of Memorial Day; is that correct,  
20 Ms. Simpson?

21 MS. SIMPSON: Yes, Your Honor. Although, as you  
22 know, the site visit got terminated because one of our team  
23 members tested positive for COVID. So we didn't complete the  
24 site visit that week. The interviews this week are actually  
25 the completion of the site visit.

1           THE COURT: Okay. And thank you. I was informed of  
2 that as well. But my purpose in having this call is that --  
3 and I want to hear from the parties on it because I could be  
4 mistaken or the monitor could be mistaken. But I've been  
5 informed that several of the record requests that have been  
6 requested by the monitor, the requests were not either complied  
7 with or they were not fulsome or -- I'm just trying to make  
8 sure that the parties are still, again, meeting their  
9 obligation under the existing order of the court and the  
10 consent decree.

11           I've been told that there's a number of record requests  
12 that would aid the monitoring team to do their duties. Those  
13 requests were not complied with. At least maybe -- and I'm  
14 trying to find out have they been complied with yet because  
15 obviously it affects the monitoring team's ability to do what  
16 the court has asked or what this court has required of the  
17 team. And I'm just trying to find out. And I'm here to hear  
18 from the parties about that.

19           But I'll have Ms. Simpson first explain for the benefit of  
20 everyone those records that have been requested and whether or  
21 not they'd been received at least as of this morning.

22           Ms. Simpson.

23           MS. SIMPSON: Your Honor, we have a number of records  
24 requests that have not yet been received. I can list them, so  
25 I'll go forward with that. There is a classification and

1 records summary report for April that we have not received. We  
2 have not received the Criminal Investigation Division reports  
3 for April. We have not received the Criminal Investigation  
4 Division summary sheet for April and May. We have not received  
5 the Internal Affairs Division reports January through May. We  
6 have not received the human resources records that have been  
7 requested; that's the monthly workforce, the hires, the  
8 terminations, current staffing level and background on all  
9 hires and promotions; not received the training status report,  
10 the shakedown logs for April and May, the initial  
11 classification forms for all individuals classified in the  
12 first two weeks of May; all court orders requiring the payment  
13 of fines and fees for persons booked January through May; a  
14 list of all persons released without a court order, sometimes  
15 referred to as in and outs; the form completed by Erica  
16 Scott -- I'm not sure of the name of that form, but she does a  
17 form for everybody going to their first appearance; the  
18 grievance spreadsheet, which includes the months of January  
19 through May; all program request responses for the first  
20 two weeks of May; the post assignment sheets for the month of  
21 May; the visitation records for RDC for May. And I believe  
22 that's what we're waiting for at this point.

23 THE COURT: Okay. I want to note for the record that  
24 Dr. Dudley is now on the call as well. Now, I guess  
25 everybody -- I guess for the defendants, you heard the listing

1 of the records that have been requested and that the monitor  
2 says that she's not received. Any defendant disagrees that  
3 those documents have been provided --

4 MR. HALL: Good morning, Your Honor. This is John  
5 Hall.

6 THE COURT: -- or disagree with what Ms. Simpson has  
7 said that she does not -- that she's not received?

8 MR. HALL: Good morning, Your Honor. This is John  
9 Hall for the sheriff's department and the county. The  
10 documents that Ms. Simpson has requested, these are the balance  
11 of the documents that have been requested. I guess she's also  
12 advised the court that voluminous records have already been  
13 turned over.

14 With respect to the classification summary for April, I  
15 guess we can turn over May's, so that can be resolved. The CID  
16 reports from January through March -- I'm going back and forth,  
17 Your Honor. To give you the background, Judge, we went over to  
18 a new system in how we turn documents over to the government  
19 and the monitors. They were previously being kept in a Google  
20 Drive that Mr. Green was the administrator for. After he  
21 resigned -- or I guess during the month that he resigned, we've  
22 come up with a way to transfer documents and save documents to  
23 the government. The Phelps Dunbar firm will probably do that.  
24 In the interim (videoconference interference) with all the  
25 pertinent parties on it and migrated everything that had been

1 sent prior to -- I guess in 2022 anyway to the monitors and the  
2 DOJ. So that's been migrated over to the Dropbox as well as  
3 documents that were requested in April and May.

4 This is new to me, Your Honor, being we don't have someone  
5 doing this. So we, along with Belinda Jackson who is over our  
6 records, we've been compiling these records, turning them over  
7 as quickly as possible. This is a new role for Ms. Jackson as  
8 well.

9 These documents that they've requested, it looks like  
10 documents have been supplemented over the weekend. I can go  
11 back and look. The monthly workforce -- I'm still waiting on  
12 that from our HR. We looked from the top. The classification  
13 summary for April, I believe -- I thought that was turned over.  
14 As far as -- I'll go back and check -- the CID reports for  
15 April and May, I can get the CID person to send me those, but  
16 again I think there is a summary -- the CID summary has been  
17 turned over.

18 Lisa, you don't have that one already, with the IAD  
19 summary?

20 THE COURT: I think you're on mute, Ms. Simpson.

21 Go to the next one.

22 Are you speaking, Ms. Simpson, because you're on mute if  
23 you are. I'm sorry.

24 MS. SIMPSON: Sorry, Your Honor. I was looking in  
25 the Dropbox. I do have the IAD summary sheets. They are



1 weekly summary sheets. I don't have the IAD reports. With  
2 CID, I have the reports for May, but not for April. And I  
3 don't have the summary sheets.

4 THE COURT: As I appreciate the process, all of these  
5 documents are generally made available to the monitoring team  
6 prior to coming on-site to do their visits. So those  
7 documents, I would believe, would have been -- should have been  
8 made available prior to May 31st or so. Again, the monitoring  
9 team does not need to be impeded or frustrated in any way in  
10 performing the duties of what the court has enlisted them to  
11 do.

12 I realize Mr. Green left whenever he left. I don't know  
13 the circumstances of his departure. I don't know how the  
14 county or the sheriff's department was maintaining documents or  
15 whether they've gone to a new way of maintaining them or  
16 through a new server and all of that. But I think everybody  
17 knew way back in April or at some point in time that the team  
18 would be on-site to do their work in May. And so at least some  
19 of those documents, maybe all of them, had not been made  
20 available back during that time.

21 And I don't know who is responsible for maintaining them,  
22 whether it is the sheriff's department or the county or both of  
23 you, but I do know the county and the sheriff's department is  
24 responsible for making sure that the monitoring team can do its  
25 job.

1           So I don't know who the request -- who was responsible for  
2 maintaining or responding to any of the requests. I've heard  
3 from Mr. Hall. Is the county obliged to respond to any of  
4 those questions today?

5           MR. GAYLOR: Your Honor, we obviously communicate  
6 with the sheriff's department with regard to responses, but  
7 understand that from the county's perspective and the sheriff's  
8 department perspective, we have a change in personnel. And we  
9 also stated that we've got a change in our server in terms of  
10 how we keep and maintain documents. So it's not going to be a  
11 completely seamless transmission to this new way of  
12 transmitting information.

13           Additionally, Your Honor, that's not to say that we agree  
14 with everything that's being requested. So there is some time  
15 for us to go back and forth with the monitors a little bit  
16 about what they're requesting because what they're requesting  
17 now isn't going to exactly be the same as what they were  
18 getting before, per the court's new orders. So we're all  
19 adjusting a little bit to this process.

20           THE COURT: Well, have you raised any objections with  
21 the monitor specifically saying that X, Y, or Z of what you're  
22 requesting is no longer to be supplied pursuant to the court's  
23 most recent order? And if so, if there's a disagreement, I  
24 think the court ought to be the arbiter of that disagreement,  
25 if there is a disagreement. I don't know. What I'm saying is

1 if the county or if the sheriff is objecting to what the  
2 monitor is doing, you need to -- that objection needs to be  
3 brought to the court, because if there's a disagreement about  
4 what the existing court order says -- I realize everybody has  
5 appealed a portion of it and all that. But if there's a  
6 disagreement about what information the monitor is seeking,  
7 that the monitor believes -- that the team believes that it  
8 needs in order to do what the most recent order says, if  
9 there's an objection to it, bring it to the court.

10 MR. HALL: Your Honor, this is John Hall. We have  
11 objected, Your Honor, but we still turn over the documents.  
12 There's nothing that -- we understand the process, Your Honor,  
13 but if it's something that we felt is just absolutely outside  
14 of the realm of what they're requesting, we would absolutely  
15 bring it to the court's attention. So there's not been an  
16 objection, Your Honor, by the county, "No, y'all aren't going  
17 to get this because you're not supposed to."

18 We've had the conversation and we've had the dialogue I  
19 guess we were supposed to have and, for instance, with the  
20 visitation logs, anything that any of these fact finders are  
21 looking for, yet we're pulling them anyway. Just because  
22 they're requested, though, Your Honor, I think that we do have  
23 a right to question whether or not -- the relevance of the  
24 request.

25 It seems that even though this consent decree has been

1     pared down from 59 pages to 10 pages, the amount of documents  
2     remains the same. And that right there doesn't make a lot of  
3     sense, but again nothing has been purposely not turned over.  
4     If it's a situation where I don't know where to get it, they've  
5     given me time to try to find it. And that's the thing.

6             So last week, Ms. Simpson suggested that she directly  
7     contact individuals within the sheriff's department because she  
8     feels that she can go to somebody quicker than I can and she  
9     knows who has what documents directly and ask them for it. And  
10    I think that works. Since she made that suggestion, she's  
11    reached out to certain people. The documents have been  
12    uploaded.

13            So it's more of a work in progress, Your Honor, as opposed  
14    to a stonewalling by the county. I think the county  
15    understands its responsibilities. But I do appreciate, though,  
16    the judge advised me (videoconference interference) --

17            THE COURT REPORTER: Mr. Hall, you faded out. I  
18    couldn't hear you.

19            THE COURT: You need to repeat yourself for the  
20    record.

21            MR. HALL: I just thank the court for letting us  
22    reiterate the fact that if we had any objections that we should  
23    and could bring them to the court's attention.

24            MR. GAYLOR: This is Attorney Gaylor. And Attorney  
25    Gaylor was saying for the record that we certainly object to

1 any notion or representation that the county or the sheriff's  
2 office is any way, shape, or form stonewalling this process.  
3 We try and operate in good faith and operate in our  
4 communications with the monitors about what they're going to  
5 receive and when they're going to receive it. We also  
6 understand that practically speaking there are times where some  
7 things take a little bit longer to get than others, but we  
8 aren't calling the court unnecessarily to make those --

9 THE COURT: Hold on. They have not called the court  
10 unnecessarily. The monitor is doing the bidding of the court.  
11 The court has appointed the monitor to do a specific task, and  
12 that task includes monitoring at the Hinds County Detention  
13 Center. And in that role, which is what the monitors have done  
14 over the years in this case, they've requested documents and  
15 information prior to their visits. They have gone on-site, or  
16 done it remotely in the last couple of years, obviously because  
17 of COVID. And then they've had exit interviews. And I think  
18 the monitors' point for the court is that they have requested,  
19 maybe even on more than one occasion, certain documents in  
20 advance of the most recent visit, and those documents were not  
21 provided.

22 Now, they may not have been provided because of a change  
23 of leadership, a change of personnel, a new system. But in  
24 this court's mind, none of that is really a real good excuse.  
25 Persons need to be able to do the job of the sheriff's

1 department and the county irrespective of the change of  
2 personnel, irrespective of a change of lawyer. They need to be  
3 able to do the job. And if they can't do the job, then let the  
4 monitors know or let the court know that everybody would be  
5 wasting their time prior to doing what the court has asked them  
6 to do.

7 And I understand the parties being defensive and all of  
8 this, but the court -- the court has an obligation here. So if  
9 the parties believe that any request is either burdensome,  
10 irrelevant, unnecessary, you need to let the court know and the  
11 court will deal with that. And I know the parties have worked  
12 together -- the defendants have worked -- well, the parties  
13 have worked with the monitors to try to make this process as  
14 seamless as possible. But apparently, it has become quite  
15 difficult to move forward.

16 I mean, how does the county, for example, expect -- the  
17 county and the sheriff's department expect for the monitor to  
18 pick up and begin these interviews today if the documents that  
19 have been requested long ago -- I mean, I assume some of these  
20 requests are ongoing requests, I assume. I don't know. I  
21 assume some of these requests are the same requests that have  
22 been asked for over the years. And so having incident reports,  
23 for example, I'm pretty sure that that's an ongoing request,  
24 because the court has been concerned about incidents that have  
25 occurred there at the detention center.

1           So what progress is made on other portions of the consent  
2       decree, I'm sure these are ongoing. So again, the change in  
3       personnel should not impact that so detrimentally that the  
4       monitors can't have the information prior to the visit or prior  
5       to these interviews, because in a typical basis at the end of  
6       the interview is when the -- is when the court has typically  
7       held the status conference.

8           I won't be able to hold a status conference this Friday,  
9       for example, because I'm out of town. But the way it's been  
10      done in the past is that we would have a status conference when  
11      the monitors were here just to see what are the preliminary  
12      things. And then they would go back and they would begin  
13      preparing their report. And that report would be made  
14      available. And we would have a more sustained status  
15      conference afterward.

16          Now, if the parties -- that is, the government, the  
17      county, or the sheriff -- believe that all of that is null and  
18      void and unnecessary in light of the court's most recent order,  
19      then you need to let the court know.

20          And I'm sorry for cutting across you, Mr. Gaylor, but you  
21      can finish whatever statement that was you were making.

22           MR. GAYLOR: Your Honor, I think what the gist of  
23      what we're trying to say is that we are, in fact, trying to be  
24      compliant in working with the monitors, and we have submitted a  
25      very large amount of information to them. And so when we

1 submit 70 percent or more of the information that they've  
2 requested and then there's more to give, we're still working on  
3 that information.

4 And, Your Honor, with all due respect, when there is a  
5 change in personnel and a change of systems, we are working  
6 through that change. It's not that we're being unresponsive.  
7 We're trying to be very responsive. But we -- for practical  
8 purposes, there have been some things that make us make that --  
9 that may cause a delay in our response, but we request that  
10 they work with us in the same way that we're working with them  
11 in rescheduling everything because of some of the disruptions  
12 that have taken place.

13 And so there has to be some understanding across both  
14 sides with regard to the county and sheriff's perspective as  
15 well as the monitor's perspective and DOJ's perspective in  
16 terms of schedules and responses and everything else. And so  
17 we're trying to work with them in that sense, and we hope that  
18 they'll have some level of understanding as we work through our  
19 new process.

20 THE COURT: So when is the court supposed to, again,  
21 have status conferences and things of that sort, or does the  
22 court sit on its hands and do nothing because everybody is  
23 challenging the decision of the court? I mean, I know there  
24 have been a multitude of interlocutory appeals filed by  
25 everyone, which is fine. I mean, everybody is entitled to do



1 that. But what is the court supposed to do in the interim?

2 MR. GAYLOR: Your Honor --

3 THE COURT: Yes.

4 MR. GAYLOR: -- with all respect, Your Honor, there  
5 is -- we would have had visits -- full visits just a couple  
6 of weeks ago for the court to respond to or monitor or take a  
7 look at, and monitors' reports would be in the process of being  
8 preparing but for the most recent outbreak. And so there has  
9 to be -- we're hoping that there's some level of understanding  
10 that there's going to be a little bit of a delay on this  
11 instance, on this setup, monitors' reports on this set of  
12 activities, because there was, in fact, a little bit of an  
13 outbreak that we're responding to as well.

14 We've still got folks out. We still have a unit that's  
15 being quarantined. And so we're adjusting a little bit right  
16 now. We don't anticipate that this is going to last long --  
17 much longer. But for practical purposes, there was a bit of a  
18 delay this time. There may not be this delay next time. We  
19 certainly presume not, because we don't anticipate that we'll  
20 have the same level of problem to deal with.

21 THE COURT: You indicated, Mr. Gaylor, that  
22 70 percent of the documents have been provided or 70 percent of  
23 the requests have been complied with. Do we have a date by  
24 which you believe that the county or the sheriff's department  
25 will be able to comply with the other 30 percent? Having as

1 much information as possible before these interviews obviously,  
2 I would think, would be helpful to the parties, the monitor,  
3 and the monitoring team.

4 MR. HALL: With respect to the interviews, Your  
5 Honor, the documents Ms. Simpson said have already been turned  
6 over, you have IAD summary reports, my understanding from the  
7 beginning of the year to the present, from January through May;  
8 CID summary reports from the beginning of the year through May,  
9 with the exception of the April summary report. Those  
10 summaries have the narratives in them from the actual  
11 underlying incident reports.

12 So with respect to the general knowledge that the monitors  
13 would need to ask anybody, let's say, for instance, there was  
14 the CID investigation in the monitor's possession already.  
15 Now --

16 THE COURT: As a summary or the incident report  
17 itself?

18 MR. HALL: The summary --

19 THE COURT: You-all are lawyers, Mr. Hall. You know  
20 a summary of a document is okay, but you want to see what the  
21 original says --

22 MR. HALL: Right.

23 THE COURT: -- a physical record or anything, right?

24 MR. HALL: Absolutely, Your Honor.

25 MS. SIMPSON: If I may, I think there's some

1 confusion about what those summary sheets are. The IAD summary  
2 sheet is really just a log. It shows the nature of the charge  
3 or the potential violation and whether it was sustained or  
4 exonerated. It actually does not have the underlying  
5 narratives. So I think that's the narrative spreadsheet which  
6 does have the narratives from the incident reports, but the IAD  
7 summary sheet does not. And the CID summary sheet is actually  
8 just a log as well. So the CID and IAD reports are definitely  
9 needed. The logs don't really provide much information at all.

10 THE COURT: Do you disagree with that, Mr. Hall or  
11 Mr. Gaylor?

12 MR. SHELSON: Your Honor, this is Jim Shelson.  
13 That's a separate issue. No one is saying that she's not  
14 entitled to them. There's been -- I know Your Honor doesn't  
15 think it's a good excuse, but the production of these records  
16 is not in the routine business of the sheriff's office. There  
17 was a person dedicated to it. He resigned. Had to start over.

18 So if you put things in perspective about the 14 or 15  
19 categories of documents that Ms. Simpson enumerated, in  
20 perspective, yeah, it would be better to have a hundred percent  
21 of them produced. But under the circumstances, it's pretty  
22 good.

23 As Mr. Gaylor said, the county expects this to go smoother  
24 in the process. So I think the issue is when can we get a  
25 hundred percent to Ms. Simpson. And I don't think anybody

1 disputes that the county is trying to do that. And I don't  
2 think there's anybody on today's interview with -- that  
3 Ms. Simpson needs any of these documents to interview. I mean,  
4 it's like Mr. Gaylor, if Ms. Simpson needs a particular  
5 document to interview IA and she appears she can't go forward  
6 tomorrow, then she can tell us that and we can get her the  
7 documents and she can reschedule that one interview. But the  
8 notion that this is wholesale useless because the county hasn't  
9 produced a subset of the hundred percent she has requested I  
10 don't think is fair or accurate.

11 THE COURT: Okay. I hear you. Again, I mean, I  
12 guess I should be sympathetic to the county because they lost  
13 the employee who was primarily in charge of doing this  
14 particular task, but I guess I'm sitting on my perch here, and  
15 I just can't see how that task in and of itself cannot be  
16 picked up by another employee or employees. And obviously, I  
17 know Mr. Green was indispensable, but no one is so  
18 indispensable, I don't think, that others can't necessarily do  
19 the job.

20 I mean, we have to have Plan Bs in running any  
21 organization that we run. And it's just hard for the court to  
22 believe that -- again, I know you changed your service system.  
23 You changed your document retention system, I guess. And you  
24 say -- and you've changed the personnel, but the county or the  
25 people at the detention center or whatever or the people at the

1 law firms will tell your employees, you're an employee at will.  
2 We know that. And you can come and go when you get ready, and  
3 we can get rid of you when we get ready, but the county must be  
4 able to do the job that it's required to do irrespective of  
5 who's employed there.

6 So I'm sort of sitting back just trying to make sure that  
7 the parties understand that if there is some disagreement, and  
8 apparently there is not, but I wanted to make sure if there was  
9 some disagreement between the parties that the court is here to  
10 referee the disagreement. But again, the monitor needs to be  
11 able to report to the court because I need to know how the  
12 county is complying with the court's order that I contend is  
13 still in place through the last order that the court has  
14 issued.

15 MR. SHELSON: Your Honor, Jim Shelson again.  
16 Everything Your Honor just said is understood by the county,  
17 and the county is not here trying to tell the court that this  
18 order is not in effect. But just so I don't sound like an  
19 excuse machine, just two things very briefly, Your Honor.

20 First, the way Mr. Green set up the Google system he had  
21 in place, he's the only one who had access to that. In  
22 hindsight, it should have been set up differently, but it is  
23 what it is now.

24 The second thing, Your Honor, is Mr. Green, by virtue of  
25 his position, had an institutional knowledge associated with

1 this process, which the short version of it is he knew who to  
2 go to when, to get that -- to get the documents the monitors  
3 have historically requested. So, Your Honor, that position  
4 isn't like a patrol officer where if a patrol officer calls in  
5 sick, there's somebody who is trained to take his place. That  
6 was a unique position.

7 And Your Honor is correct that going forward, somebody  
8 else can fill that position. But, Your Honor, there's going to  
9 be a learning curve. And again, we understand the obligation  
10 going forward, and we expect it to be better the next iteration  
11 of this. But this first one, there have been some hiccups.  
12 And we will get the documents to Ms. Simpson that she's  
13 enumerated on this call.

14 MR. CHENG: Your Honor, this is Christopher Cheng.  
15 If I could say something. This idea that this is a new problem  
16 and it just ties to Mr. Green, it's a quite frankly a grotesque  
17 misrepresentation of the record before the court. We would  
18 respectfully remind the court that the defendant affirmatively  
19 agreed to terminate the compliance coordinator position, and  
20 that was months before this document issue came up. And they  
21 affirmatively argued they did not need Mr. Green.

22 The United States has continually argued that there are a  
23 number of provisions, including some that were terminated, that  
24 were necessary for them to come into compliance, that were very  
25 carefully negotiated, but the defendants represented that they

1 could take care of this on their own.

2 So even on the record, the idea that Mr. Green's departure  
3 was a surprise and created all these complications, it's not  
4 fair. This is exactly why those efforts to terminate the  
5 provisions were bound to lead to problems for their compliance.  
6 And then to now claim as their defense or to mitigate that this  
7 was a surprise, it's a ridiculous representation of what  
8 actually happened.

9 The other part that isn't even before the court, because  
10 the United States has actually been very patient with  
11 defendants and have actually been trying to work with them  
12 during this transition period, is there have been multiple  
13 communications by the Department of Justice to the defendants  
14 warning them that Mr. Green was leaving and that they needed to  
15 transition to a better process.

16 They've had months to try to come up with a plan. They've  
17 had months to designate someone. I believe the monitor has  
18 continually asked them to designate someone to replace  
19 Mr. Green. They didn't do it.

20 Now, I'm not going to get too much into all the different  
21 records. The idea that there's 70 percent complied with, I  
22 really question whether that's true when they're not even  
23 producing the incident reports.

24 But leaving that aside, the department has, for example,  
25 had one very simple request for months. We asked for videos of

1 a number of shakedowns that have occurred since October.

2 Videos. Every single time I talk with Mr. Hall or Mr. Gaylor,  
3 I try to bring it up: "Just get me the videos."

4 We can't even get those videos. And what's the excuse for  
5 that? That's not Mr. Green. That's not because you can't  
6 figure out what's going on. The idea this is an accident, I  
7 don't think the court should give them that much credit.  
8 There's more than enough here suggesting this is actually  
9 stonewalling. And we're not going to -- if Ms. Simpson wants  
10 to work with them, that's fine, but we're not going to sit here  
11 and just let everyone claim this is -- this is a feature of the  
12 defense.

13 MR. HALL: Your Honor --

14 THE COURT: Let me follow up. And, of course, the  
15 county will be able to respond in any way. Has the government  
16 asked specifically for -- either verbally or in writing,  
17 Mr. Cheng -- those videos you said you've requested since  
18 October of 2021?

19 MR. CHENG: The videos from late 2021, but yes, we've  
20 asked for them repeatedly in writing and I believe verbally. I  
21 think Ms. Simpson did too. She went through her document  
22 requests that her team has also asked for those videos. They  
23 go directly to use of force and then the training of staff. So  
24 the defendants can't even claim it's not covered by the  
25 injunction. It's clearly covered by the injunction. They're



1 just not producing it.

2 MS. SIMPSON: Yes, Your Honor. And I have also  
3 requested that. I didn't put it on the list. I thought that  
4 the county had already turned it over to the U.S. Attorney's  
5 Office in Jackson, but I am learning now that that's not the  
6 case. So yes, that's another request that has not been --

7 THE COURT: Okay. That -- I assume, is that -- to  
8 the county -- to the sheriff's department, is that something  
9 that Mr. Green was -- is that something that the county has  
10 access to and has not produced? And again, if you're not going  
11 to produce something, I think it's -- well, I guess the  
12 government or the monitor can raise it with the court. But  
13 again, if the county is going to withhold stuff, if that's the  
14 case, it's going to withhold things, let them know and we will  
15 take it up with the court. But I'm just trying to find out  
16 does the county --

17 MR. HALL: Your Honor, this is John Hall. We do have  
18 the videos. We can turn them over. The incident reports from  
19 those shakedowns have been turned over months ago. And the  
20 government as well as the monitors both know that the Raymond  
21 Detention Center staff did not take part in that actual  
22 shakedown, that another jurisdiction did. Any video --

23 THE COURT: I'm talking about the videos.

24 MR. HALL: Yes.

25 THE COURT: Do you have the videos of the shakedowns?

1 MR. HALL: Yes, Your Honor.

2 THE COURT: I don't mean to cut across you, but I'm  
3 talking about the video evidence of the shakedown, no matter  
4 who were the authorities that did it, because if these are  
5 people from some other jurisdiction, that is, the state  
6 department of public safety or whoever might have been there  
7 from other sheriff's departments or federal agencies, whoever,  
8 obviously if they are at the detention center, they are there  
9 at the invitation of the sheriff, I would guess, because I know  
10 the sheriff is not going to allow anybody coming to its  
11 facility to do a shakedown and he not know about it or not be a  
12 part of it or that they're not invited to do it.

13 So again, the videos that captured that, obviously the  
14 incident report helps. Obviously. But this court has seen  
15 videos that add a -- that add much more context to things based  
16 on the written record. So are there videos in the custody of  
17 the sheriff's department that has not been produced as the  
18 government has requested and the monitor has requested?

19 MR. HALL: Judge, they can be hand delivered this  
20 morning. As soon as we get off the call, I'll walk them over  
21 myself.

22 THE COURT: Okay. Now, of course, that begs the  
23 question, Mr. Hall, why weren't they -- why were they not given  
24 up last Friday or three weeks ago or two months ago? That's  
25 the thing that frustrates me. You have them and they can be

1 produced right now based on this call. Why have they not been  
2 produced earlier?

3 MR. HALL: Just with respect to getting all these  
4 other documents, et cetera, together, everything was going on  
5 at the same time, so on a daily basis uploading documents  
6 online. We could not download those and send them  
7 electronically because they're too voluminous. So I've had  
8 them on -- they've got them burnt on disk. So with respect to  
9 why they weren't -- I don't have a good answer for why they  
10 weren't sent yesterday or Friday.

11 The information -- the underlying information pertaining  
12 to that has been in the possession of the DOJ as well as the  
13 monitors, but the actual videos have not. They've requested  
14 them. I owe it to them. I'll get them to them, and I don't  
15 have a good reason to give you, Your Honor, for not turning  
16 them over earlier.

17 THE COURT: Yeah, because DOJ says that they've been  
18 asking for them since before you got involved in the case,  
19 since October of last year. I don't think you were involved.  
20 I don't think you were counsel for the sheriff at that time.  
21 You could have been. I don't know. Things are moving pretty  
22 rapidly in this case. But even so, I find it very hard to  
23 believe that it takes more than six months to download -- to  
24 get a copy of a video or videos.

25 MR. HALL: I think there -- there may be -- the only

1 ones I'm familiar with, there was a March shakedown. Those are  
2 the videos I'm referring to. And those were requested sometime  
3 after -- I want to say April. So that's on me, Judge. It was  
4 all on me. I take responsibility for the production of  
5 documents. I don't have a problem with that. But the  
6 October -- I don't know what he was asking for from October.

7 THE COURT: Okay.

8 MR. HALL: We're not familiar with that.

9 THE COURT: Again, this process has required some  
10 give and take and some talking. And I know the monitors are  
11 supposed to do interviews this week. And according -- you  
12 know, the way this whole process has been set up is because  
13 everybody has certain time frames in which to get things done  
14 because the status report has to be submitted.

15 Now, if the parties believe that keeping to the schedule  
16 that has been outlined or agreed to long ago cannot be done, I  
17 mean, because I would think that the monitors might want to see  
18 the videos, for example, of the most recent shakedown, compared  
19 to what the incident report says, compared to the summary  
20 sheets, compared to what the interviews of the people say. But  
21 if they don't have that, how can they -- how can they do their  
22 job and get the information to the court in the time that it  
23 says?

24 If DOJ has been requesting certain information, again,  
25 for months and there appears to be no attempt to comply with

1 it -- I mean, I think in my last order I mentioned that the  
2 contempt finding is still out there. It is still held in  
3 abeyance, I think, or -- I mean, it's out there.

4 And as the court told the parties back at the last status  
5 conference, that question remains open. I think the sheriff's  
6 department -- the sheriff specifically asked that question at  
7 the last gathering that this court had with the parties because  
8 the sheriff wanted to make sure that he spoke appropriately  
9 about the status of the case in light of the court's latest  
10 order.

11 So hearing that, there's been no attempt to at least do  
12 that, of course, and I just don't -- the county gives the court  
13 very few options.

14 MR. HALL: Are you referring to just --

15 THE COURT: I --

16 MR. HALL: -- that --

17 THE COURT: Go ahead, Mr. Hall. I'm sorry.

18 MR. HALL: Just for clarification, that one  
19 production is what the court is -- of disks, notwithstanding  
20 everything else that's been turned over and complied with.

21 THE COURT: Well, I heard the monitor say at the  
22 beginning of this call, a whole list of documents, a whole --  
23 regardless of what has been complied with, there's a -- and  
24 there is no dispute. I think the county has told me.

25 Mr. Gaylor, Mr. Shelton has told me that yes, what she listed

1 are things we don't disagree that those are things that we're  
2 working on, but these are the reasons why she doesn't have it,  
3 but they don't have it.

4 But turning to your specific question, Mr. Hall, again, if  
5 video requests -- requests of videos that seem to the court to  
6 be fairly easy to gather because you have them, it just boggles  
7 the mind that those have not been given up, and there may be  
8 other things that are so readily available that the parties  
9 might be holding onto to do some massive production.

10 But I guess I'll ask the monitors with respect to the  
11 interviews that you have slated for this week, how might the  
12 production or nonproduction of what remains outstanding, how  
13 might that affect your ability to do your job this week?

14 MS. SIMPSON: Well, it certainly affects our  
15 ability -- for example, the next interview scheduled is with  
16 the Internal Affairs Division staff. And we don't have the IAD  
17 reports. My current plan is to proceed with the interviews and  
18 follow up with a second phone call if needed once we get the  
19 documents.

20 These interviews have already been delayed. I don't want  
21 to delay them any further even though they are definitely less  
22 productive without access to the documents.

23 THE COURT: Okay. Again, I'm going to encourage the  
24 parties to continue to work with each other. And again, if  
25 there is any specific disagreement about what needs to be

1 produced, how long somebody needs to be -- well, who needs to  
2 be made available or whatever type of disagreement that might  
3 occur, then -- and it may be no disagreement. But to the  
4 extent that there is, the parties need to bring it to the  
5 attention of the court, and I will act on any request as  
6 expeditiously as possible, because this court will continue to  
7 do what it believes it is obliged to do based on the orders  
8 that it's entered and the findings that it's made over  
9 the years.

10 So I just wanted to have this status conference with the  
11 parties. Everybody understands that although the court has  
12 scaled back what it believes -- scaled back from the -- scaled  
13 the consent decree down, I still am very much involved in  
14 making sure that the current order is complied with.

15 MR. CHENG: Your Honor --

16 THE COURT: I was about to say, anything else from  
17 the government, Mr. Cheng?

18 MR. CHENG: Yes, Your Honor. I would mention that so  
19 far we've been talking about what we consider to be really  
20 clear issues of production. I think Mr. Shelson or someone  
21 from Phelps mentioned something about there are some other  
22 issues that they have objected to or that they might object to,  
23 but that has not really been clear to us what those are.

24 There were a few conversations in the past couple months  
25 about the scope of the orders. Without anyone formally filing

1 objection, I did want to flag that. I did want to be clear  
2 that there have been some discussions about it. There is  
3 apparently a lack of clarity regarding some of the original  
4 provisions, the consent decree, the sections that included the  
5 definitions and identified the parties, for example.

6 I guess it's not quite clear how those still get applied,  
7 if at all, or whether we're basically using new definitions for  
8 things like use of force and serious incident or qualified  
9 staff. So I did want to highlight that there is a potential  
10 problem there that may eventually get brought to the court's  
11 attention if the parties can't resolve it.

12 The other issue had to deal with the stipulated order and  
13 whether the monitors still have jurisdiction over the  
14 stipulated order. I think that the (videoconference  
15 interference) remains in effect. And in any case, it might not  
16 necessarily be a problem because almost all the major  
17 provisions of that order are actually incorporated into the  
18 remaining injunction as well.

19 So in theory, whatever the status is of the stipulated  
20 order, the monitor should still have jurisdiction over issues  
21 that overlap with both the injunction and stipulated order.  
22 But because it came up, I did want to flag it with the court  
23 that without a clarification from the court or something more  
24 formal from the defendants, we could anticipate some sort of  
25 dispute about these issues in the future.



1 THE COURT: Well, I'm here to resolve any dispute.

2 Ms. Simpson, is there anything further you wish the court  
3 to address?

4 MS. SIMPSON: No. I think if we can get the  
5 documents promptly, that will enable us to do what we can this  
6 week and schedule some follow-up if we need it, so I appreciate  
7 Your Honor addressing that.

8 THE COURT: Okay. Do you anticipate, Ms. Simpson,  
9 staying on track to provide your report as you've done in the  
10 past? You know, the (videoconference interference) --

11 THE COURT REPORTER: I lost you after "staying on  
12 track to provide your report as you've done in the past."

13 THE COURT: Thank you, Ms. Wasmund.

14 Ms. Simpson, do you think that you're on track to stay on  
15 the current schedule of providing to the parties your draft  
16 report for their feedback and comebacks and then getting the  
17 more formal status report filed and having -- and the court  
18 following that with a hearing, as I've done in the past? Do  
19 you think you will be able to stay on your schedule that you  
20 would normally do in that regard?

21 MS. SIMPSON: Yes. That's our current plan. And we  
22 may even try to expedite it a little bit since the visit got  
23 delayed. But that's the current plan. And obviously, we do  
24 need some of these documents to be able to finalize the report.

25 THE COURT: Okay. Thank you. Is there -- I've heard

1 from Mr. Cheng on behalf of the government. Is there anything  
2 further from the sheriff, Mr. Hall?

3 MR. HALL: No, Your Honor. We'll keep working with  
4 the monitors and the DOJ.

5 THE COURT: Anything further from the county,  
6 Mr. Gaylor, Mr. Shelson?

7 MR. GAYLOR: No, Your Honor.

8 MR. SHELSON: Your Honor, Mr. Cheng made reference  
9 that I made ridiculous and grotesque misrepresentations to the  
10 court. That wasn't my intention. If the court construed it  
11 that way, I apologize to the court. But other than that,  
12 nothing further from the county.

13 THE COURT: Okay. Well, thank you-all for making  
14 yourselves available on what might have appeared to have been  
15 short notice. But I hope you-all are productive this week, and  
16 I'll look forward to talking to you in the very near future  
17 after receiving the status report.

18 Thank you so much. That concludes the call. But again, I  
19 will leave you-all with this: If there's any disagreement  
20 about anything that you cannot resolve yourself, bring it to  
21 the attention of the court. That concludes the call. Thank  
22 you so much.

23 (Proceedings concluded at 10:10 a.m.)  
24  
25

CERTIFICATE OF REPORTER

I, Margaret Wasmund, RDR, CRR, CRC, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Dated this 6th day of July 2022.

*Margaret Wasmund*  
MARGARET WASMUND, RDR, CRR, CRC  
COURT REPORTER